

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 14 is cancelled.

Claims 5, 9, and 13 are currently being amended.

Claims 23-25 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-13 and 15-25 are now pending in this application.

Rejections under 35 U.S.C. § 102

Claims 1, 2, 5, and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Talmage (U.S. Patent 3,460,940). This rejection is respectfully traversed.

Claims 1 and 5 require a sintered body of sintered metal particles that form a sintered structure and have a maximum particle size of 100 μm or smaller. The Office contends that “Since the starting mixture contains powders having particle size all less than 45 microns, the sintered product produced from such mixture is expected to contain sintered metal particles having particle size substantially the same.” (See Office Action at page 2). However, the Office does not provide any basis in the prior art for this assertion, nor does the Office provide any technical basis for why the particles of the sintered product are expected to have substantially the same size as the starting powder particles. Applicants note that sintered products do not always have the same particle size as the starting powder, even when the starting powder mixture has substantially the same particle size. The particle size of the sintered product varies, depending on the production method and conditions used to produce

the sintered product. Talmage does not teach that the sintered particles have a maximum particle size of 100 μm or smaller. Furthermore, by controlling the size of the sintered metal particles to be 100 μm or smaller, the sintered body claimed by the Applicants has increased fatigue strength and abrasion resistance. Withdrawal of this rejection is respectfully requested.

Claims 1, 4, 5, 8, 9, and 12-17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ikenoue et al. (U.S. Patent 4,588,441). This rejection is respectfully traversed.

Claims 1, 5, 9, and 13 require a sintered body of sintered metal particles that form a sintered structure and have a maximum particle size of 100 μm or smaller. The Office does not explain how Ikenoue et al. teaches a sintered body of sintered metal particles with a maximum particle size of 100 μm or smaller. It appears that the Office is using the same rationale for the rejection under Ikenoue et al. as it used under Talmage; i.e., that the sintered particles will have substantially the same particle size as the starting powder particles. As noted above, the Office does not provide any basis in the prior art or in the technical field to support this assertion. As noted above, the particle size of the sintered product varies, depending on the production method and conditions of the sintered product. Ikenoue et al. does not teach that the sintered particles have a maximum particle size of 100 μm or smaller. Because Ikenoue et al. does not teach all of the features required by claims 1, 5, 9, and 13, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 3, 4, 7, and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Talmage (U.S. Patent 3,460,940). This rejection is respectfully traversed. Claims 3, 4, 7, and 8 depend from claims 1 and 5. As noted above, Talmage does not teach all of the features required by claims 1 and 5. Withdrawal of this rejection is respectfully requested.

Claims 9-16 and 18-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Talmage (U.S. Patent 3,460,940) in view of Tsuchida et al. (U.S. Patent 6,344,169). This rejection is respectfully traversed. Claims 9 and 13 require a sintered body of sintered metal particles that form a sintered structure and have a maximum particle size of 100 μm or

smaller. As noted above, Talmage fails to teach a sintered body of sintered metal particles that form a sintered structure and have a maximum particle size of 100 μm or smaller. Tsuchida et al. fails to cure the deficiencies of Talmage. Withdrawal of this rejection is respectfully requested.

Claims 18-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ikenoue et al. (U.S. Patent 4,588,441) in view of Tsuchida et al. (U.S. Patent 6,344,169). This rejection is respectfully traversed. Claims 18-20 depend from claim 13. As noted above, Ikenoue et al. fails to teach all of the limitations of claim 13. Tsuchida et al. fails to cure the deficiencies of Ikenoue et al. Withdrawal of this rejection is respectfully requested.

Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Talmage (U.S. Patent 3,460,940) in view of Tsuchida et al. (U.S. Patent 6,344,169) as applied to claim 13 and further in view of Arvidsson (U.S. Patent 6,120,575). This rejection is respectfully traversed. As noted above, Talmage fails to teach all of the limitations of claim 13. Tsuchida et al. and Arvidsson fail to cure the deficiencies of Talmage. Withdrawal of this rejection is respectfully requested.

New claims

New claims 23-25 depend from claims 9 and 13. For the reasons noted above, the prior art does not teach all of the limitations required by claims 23-25.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to

Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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